

Chapter Four has been redacted.

(Pages 101-214)

## **CHAPTER FIVE**

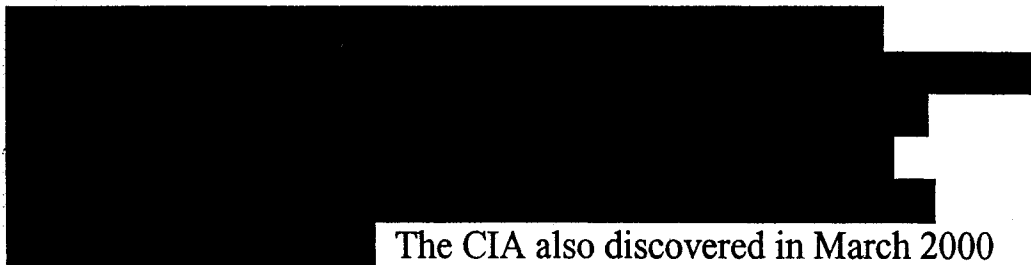
### **TWO SEPTEMBER 11 HIJACKERS: KHALID AL-MIHDHAR AND NAWAF AL-HAZMI**

#### **I. Introduction**

In this chapter, we examine the FBI's handling of intelligence information concerning two of the September 11 hijackers, Khalid al-Mihdhar and Nawaf al-Hazmi. Mihdhar, Hazmi, and three other terrorists hijacked and crashed American Airlines Flight 77 into the Pentagon.

The FBI has asserted that it learned in late August 2001 that Mihdhar and Hazmi were al Qaeda operatives and that they had traveled to the United States in January 2000. In August 2001, the FBI also discovered that Mihdhar had entered the United States on July 4, 2001, purportedly for a month-long stay. In late August, the FBI initiated an investigation to determine whether Mihdhar was still in the country and to find him. The FBI was still searching for him at the time of the September 11 attacks.

We examined the information that the Intelligence Community and the FBI had about Mihdhar and Hazmi prior to September 11. We found no evidence indicating the FBI or any other member of the Intelligence Community had specific intelligence regarding the September 11 plot. However, beginning in late 1999 and continuing through September 11, 2001, we found five junctures at which the FBI either learned of intelligence information about Mihdhar and Hazmi, could have learned of additional intelligence information about them, or could have developed additional information about their location and terrorist connections. These five junctures were:

-  The CIA also discovered in March 2000 that Hazmi had traveled to Los Angeles in January 2000.

- In late January 2000, Mihdhar and Hazmi both traveled to Los Angeles and then moved to San Diego, where they associated with a former subject of an FBI investigation and also lived with a long-time FBI asset.<sup>151</sup>

■ In late December 2000 and early January 2001, a reliable joint FBI/CIA source provided information related to the FBI's ongoing investigation of the attack on the *U.S.S. Cole*.<sup>152</sup> ■

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- In the summer of 2001, the CIA and the FBI had various interactions regarding the FBI's investigation of the Cole attack. These interactions touched on the participants in the January 2000 Malaysia meetings and information developed by the CIA about the Malaysia meetings.
- In August 2001, the FBI learned that Mihdhar had entered the United States on July 4 and began searching for him in early September 2001. ■

■ The FBI did not locate him before the September 11 attacks.

Yet, despite these ongoing discussions and opportunities for the FBI to learn about and focus on Mihdhar and Hazmi, including their presence in the United States, the FBI was not made aware of and did not connect important details about them until late August 2001, a short time before they participated in the terrorist attacks. Even in August, the FBI's search for Mihdhar and Hazmi was not given any urgency or priority, and was not close to locating them by the time of the attacks.

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<sup>151</sup> Hazmi had also traveled to and attended the January 2000 meetings in Kuala Lumpur, Malaysia.

<sup>152</sup> As noted previously, on October 12, 2000, two terrorist operatives in an explosive-laden boat committed a suicide attack on the *U.S.S. Cole* naval destroyer during a brief refueling stop at the port in Aden, Yemen. Seventeen sailors were killed and 39 were wounded in the attack.

In this chapter, we describe each of these five opportunities in detail. We set forth the available intelligence information regarding Hazmi and Mihdhar that existed at the time, whether the information was made available to the FBI, and what additional information about Hazmi and Mihdhar the FBI could have developed. In the analysis section of this chapter, we evaluate the problems that impeded the FBI's handling of the intelligence information about Hazmi and Mihdhar before September 11.

## **II. Background**

### **A. OIG investigation**

To investigate the issues involving Hazmi and Mihdhar, the OIG asked for and reviewed all documents the FBI had regarding them before September 11. The FBI search for these documents included searches of its Automated Case Support system (ACS), Integrated Intelligence Information Application (IIIA) system,<sup>153</sup> and CTLink.<sup>154</sup> In addition, searches were conducted on archived FBI e-mail messages and the FBI Director's briefing documents. These searches were initially conducted in response to a request by the Congressional Joint Intelligence Committee's Inquiry Staff, which was conducting its own inquiry into this subject. The OIG also obtained direct access to ACS so that we could conduct our own searches for relevant documents. In addition, we reviewed hard copy case and informant files to search for documents relevant to Mihdhar and Hazmi.

In addition to reviewing these documents, we conducted more than 70 interviews related to the Mihdhar and Hazmi matter. These included interviews of FBI IOSs, special agents, attorneys, and supervisors who had access to some of the relevant information or participated in meetings or

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<sup>153</sup> IIIA is a database designed to capture comprehensive amounts of information from counterintelligence, international, and domestic terrorism investigations. The system includes information ranging from biographical data on persons to profiles of terrorist groups. The FBI describes the system as "conducive to putting together information regardless of office of origin or case."

<sup>154</sup> CTLink is a shared database used for the dissemination of intelligence information among agencies within the Intelligence Community.

operations related to these hijackers. We also interviewed FBI employees detailed to the CIA and FBI agents who participated in debriefings of intelligence sources who had relevant information.

Because much of the information discussed in this chapter of the report involves the FBI's interactions with the CIA, we also obtained information directly from the CIA. The DOJ OIG does not have oversight authority over CIA operations or personnel, and we therefore did not make assessments of the performance of CIA personnel. That issue is the responsibility of the CIA OIG, which is conducting its own inquiry in response to the JICI report. We had to rely on the cooperation of the CIA in providing access to CIA witnesses and documents that were relevant to the OIG's oversight of the FBI.

We interviewed CIA staff operations officers, analysts, and supervisors, as well as CIA employees detailed to the FBI, including a CIA employee detailed to the FBI's New York Field Office's Joint Terrorism Task Force. (S)

Initially, the CIA made available to the OIG for review various documents that the CIA's "Director of Central Intelligence (DCI) Review Group"<sup>155</sup> had identified as being related to our inquiry. The Review Group had gathered these and other documents during its review of the September 11 attacks and during additional searches conducted at the request of the JICI staff. We did not have independent access to CIA databases, and therefore we could not independently verify that all relevant documents had been provided to us. However, we had several lengthy sessions with members of the Review Group at which they identified the documents they used to support their conclusions regarding Hazmi and Mihdhar. The CIA permitted us to review but not have a copy of these documents.

In addition, a member of the CIA General Counsel's staff conducted additional searches for documents relevant to particular disputed issues. As a result of that review, copies of additional relevant documents were also made available for our review.

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<sup>155</sup> The CIA formed the DCI Review Group in late 2001 to assist the CIA in determining why it had not detected the September 11 plot. The group included former CIA case officers and CIA OIG personnel.

In response to the JICI report issued in December 2002, the CIA OIG initiated a review in February 2003 of the CIA actions related to the September 11 attacks. In July 2003 the CIA OIG review team informed us it had several more documents that were relevant to our review. These documents were made available to us to review, and redacted copies of the documents were provided to us in November 2003. The CIA OIG review team also provided additional relevant documents and information to us that it found during the course of its review.

In February 2004, however, while we were reviewing a list of CIA documents that had been accessed by FBI employees assigned to the CIA, we noticed the title of a document that appeared to be relevant to this review and had not been previously disclosed to us. The CIA OIG had not previously obtained this document in connection with its review. We obtained this document, known as a Central Intelligence Report (CIR). This CIR was a draft document addressed to the FBI containing information about Mihdhar's travel and possession of a U.S. visa. As a result of the discovery of this new document, a critical document that we later determined had not been sent to the FBI before the September 11 attacks (see Section III, A, 4 below), we had to re-interview several FBI and CIA employees and obtain additional documents from the CIA. The belated discovery of this CIA document delayed the completion of our review.

## **B. Background on the CIA**

In this section of the chapter, we describe background information relevant to the interactions between the CIA and the FBI and the ways in which they exchanged intelligence. We begin with a discussion of the CIA's authority and mission, organization, forms of communications, and ways in which the CIA passed intelligence to the FBI. We also discuss the role of the FBI's employees who were "detailed" to work at the CIA.

### **1. CIA authority and mission**

As discussed in Chapter Two, the National Security Act of 1947 created the CIA and established it as the nation's lead foreign intelligence agency of the United States. The CIA engages primarily in the clandestine collection of "foreign intelligence" information – information relating to the capabilities, intentions, and activities of foreign governments or organizations, including

information about their international terrorist activities. The CIA is charged with evaluating and disseminating the intelligence information it collects.

The CIA reports directly to the President through the Director of Central Intelligence (DCI), who is the head of both the CIA and the Intelligence Community. The DCI is the primary advisor to the President and the National Security Council on national foreign intelligence matters. George Tenet was named to that position in 1997.

## **2. Organization of the CIA**

The work of the CIA is conducted primarily through three “directorates”: the Directorate of Operations, the Directorate of Intelligence, and the Directorate of Science and Technology. Each is led by a Deputy Director. Below we briefly describe the relevant structure and positions within each directorate.

### **a. Directorate of Operations**

The Directorate of Operations is responsible for the clandestine collection of foreign intelligence. This takes place in field offices known as “stations.”<sup>156</sup> Smaller cities may have “bases,” which are sub-offices of the stations. “Operations officers,” also known as “case officers,” are responsible for collecting intelligence through contacts with human sources and through the use of technology. Collection management officers, also known as “reports officers,” are responsible for taking raw intelligence reported by the operations officers and removing from it the information that reveals the source, method of collection, or other sensitive information. The reports officers publish intelligence information in a form that can be made available to the Intelligence Community.

The head of a station or base is usually an operations officer and is known as a Chief of Station (COS) or Chief of Base (COB). Stations and bases

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<sup>156</sup> The CIA also has field offices within the United States that are part of the National Resources Division within the Directorate of Operations. They are responsible for the overt collection of foreign intelligence volunteered by individuals and organizations in the country.

are usually grouped by geographic division and report to the chief of the geographic division at CIA Headquarters. Within the geographic division at CIA Headquarters are “staff operations officers,” or “desk officers,” who provide operational research, advice, and other forms of case management support to the officers in the field.

The CIA’s Counterterrorist Center (CTC), which is based in the Directorate of Operations but which draws on all CIA resources, is charged with preempting and disrupting international terrorism. The CTC is staffed by managers, analysts, operations officers, desk officers, and reports officers. The CTC collects and analyzes strategic intelligence on terrorist groups and state sponsors of terrorism to ascertain the capabilities, sources of support, and likely targets of terrorist elements, and to furnish detailed information on terrorist-related intelligence to the Intelligence Community.

At the time of the events relevant to our review, the CTC operated a unit – that we call the “Bin Laden Unit” – that dealt exclusively with issues related to al Qaeda and Usama Bin Laden. The Bin Laden Unit was later merged into a larger group in the CTC. Although staffing levels fluctuated, approximately 40-50 people worked within the Bin Laden Unit before September 11, 2001. The Bin Laden Unit was known as a “virtual station” because it operated from within CIA Headquarters but collected and operated against a subject, much as stations in the field focus on a country.

#### **b. Directorate of Intelligence**

The Directorate of Intelligence, the analytical branch of the CIA, is responsible for the production and dissemination of timely, accurate, and objective intelligence analysis on foreign policy issues. It focuses analysis on key foreign countries, regional conflicts, and issues such as terrorism and narcotics trafficking.

The Directorate of Intelligence is primarily composed of analysts who concentrate on particular areas of expertise. For example, intelligence analysts are assigned a particular geographic region to monitor the leadership, motivations, plans, and intentions of foreign governments in relation to U.S. national security interests. Additionally, counterterrorism analysts stationed in the CTC produce a range of long-term intelligence products about terrorist organizations and provide tactical analytic support to intelligence operations.



### **c. Directorate of Science and Technology**

The Directorate of Science and Technology is responsible for creating and applying technology in support of the intelligence collection mission. It employs a broad range of professionals, including computer programmers, engineers, scientists, and linguists.

#### **3. The CIA's collection and internal dissemination of information**

Official internal communications between entities within the CIA are normally conducted by an electronic communication known as a "cable." Cables are addressed to the stations, offices, or units within an office from which some action is expected. Information acceptable for sharing with a foreign government service is put into a section of a cable called a "tear line."

#### **4. Passing of intelligence information by the CIA to the FBI**

The CIA shares intelligence with the rest of the Intelligence Community through a communication known as a "TD" ("Telegraphic Dissemination"). TDs can be sent to other Intelligence Community agencies, including the FBI, and are available to the Intelligence Community through the Intelink system.

Another type of intelligence report used by the CIA when conducting business with other agencies is a CIR, or "Central Intelligence Report." CIRs are used for disseminating information to a specific agency or group of agencies. CIRs to the FBI normally concern something occurring in the United States, involving a U.S. person or an ongoing FBI investigation.

In addition to formal methods of communicating by the CIA to the FBI, much information can be shared with the FBI informally. CIA and FBI employees who have similar positions and expertise develop relationships and communicate informally while working together on related matters, either by secure telephones or in person. In addition, meetings are sometimes held to discuss a matter or a piece of intelligence that is of value to both agencies. According to the CIA employees we interviewed, when the CIA passed intelligence information or other kinds of information verbally or by another informal mechanism to the FBI, the information exchange normally would be documented through a TD or a CIR. However, they said that not every telephone call or conversation was documented.

### **C. FBI detailees to the CIA Counterterrorist Center**

In 1996, the FBI began detailing employees to work in the CIA's CTC. During the time period relevant to this chapter of the report, five FBI employees were detailed to the CTC's Usama Bin Laden Unit in four separate positions. Two of the positions were filled by personnel from the FBI's Washington Field Office, and one position each was filled from the FBI's New York Field Office and FBI Headquarters.<sup>157</sup>

#### **1. FBI Headquarters detailees**

One of the FBI detailees assigned to Bin Laden Unit, who we call "Eric," held a supervisory position as a deputy chief of the Bin Laden Unit.<sup>158</sup> Eric, an FBI Headquarters supervisor in the Radical Fundamentalist Unit, was detailed to the CTC as a branch chief for a particular terrorist group in September 1997. In March 1999, FBI Headquarters transferred him from that part of the CTC to the deputy chief position in the Bin Laden Unit. According to Eric, he was told by FBI Assistant Director Neil Gallagher that there were a lot of problems between the FBI's New York Field Office and the Bin Laden Unit and that he needed to mend the relationship.<sup>159</sup> Eric stated that although he acted as a liaison between the CIA and the FBI, his primary job was to perform substantive work related to the Bin Laden Unit's mission.

Eric left the Bin Laden Unit in January 2000 and was replaced in July 2000 by an FBI employee who we call "Craig."<sup>160</sup> By this time, the Bin Laden Unit had been placed into a newly formed group, which was a much larger

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<sup>157</sup> Other FBI employees were also detailed to the CIA during this time. However, the FBI detailees to the CTC's Bin Laden Unit were the only ones relevant to the issues in this review.

<sup>158</sup> A CIA employee was the other deputy chief in the Bin Laden Unit. Both the FBI detailee and the CIA employee reported to the chief of the Bin Laden Unit, a CIA employee.

<sup>159</sup> Eric told the OIG that when he arrived at Bin Laden Unit, he "walked into a buzz saw" and there was a great deal of animus from CIA employees toward the FBI detailees. Eric said this experience was vastly different from his tenure in another CTC section, where he was readily accepted and integrated into the CIA's operations.

<sup>160</sup> No one filled the deputy chief position between January 2000 and July 2000.

organization than the Bin Laden Unit. Craig was designated as a deputy chief in the new, larger group. He described his primary job as being a "referent" for law enforcement issues. He explained this role as involving coordination between the FBI and CIA when they wanted to conduct joint interviews or when the CIA requested assistance with a law enforcement matter.

Eric and Craig had access via computers on their desks to the CIA's internal cables. Eric said that while he was at the CIA, he attempted to read all incoming Bin Laden Unit cables. However, he said that the amount of cable traffic was overwhelming and was too much for one individual to read consistently. In contrast, Craig told the OIG that he did not believe his job was to read all the cable traffic and that he did not even attempt to do so.

## **2. Washington Field Office detailees**

Another FBI employee detailed to the Bin Laden Unit, an Intelligence Operations Specialist (IOS) who we call "Mary," was assigned to CIA Headquarters from the FBI's Washington Field Office in April 1998. Although she was assigned to work on issues of mutual interest to the FBI and the CIA, such as the East African embassy bombings,<sup>161</sup> she also was assigned to work on unilateral CTC matters. She said that as a desk officer, she read and responded to cable traffic that was pertinent to the matters she was assigned. She nominally reported to a supervisor in the FBI's Washington Field Office, but her work was assigned by her CTC supervisors at the Bin Laden Unit.<sup>162</sup>

The Washington Field Office also detailed to the CTC a special agent, who we call "Dwight." His performance evaluations were done by the Washington Field Office, but his assignments came from CTC managers. He focused on the financial aspects of terrorism and obtained information through the CTC to help identify and investigate persons who were responsible for

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<sup>161</sup> On August 7, 1998, nearly simultaneous vehicle bombs were detonated at the U.S. embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania, killing over 200 people and injuring over 4,000.

<sup>162</sup> Her position was later transferred from the Washington Field Office to FBI Headquarters' Usama Bin Laden Unit.

funding terrorism. He had access to CIA cables and reviewed them for potential leads or other information related to terrorist financing.

### **3. New York Field Office detailee**

An FBI New York Field Office agent from its Bin Laden squad, who we call "Malcolm," was also detailed to the CIA's Bin Laden Unit in early 1999 at the request of John O'Neill, the New York Field Office Special Agent in Charge for Counterterrorism at the time. Malcolm replaced another New York Field Office Bin Laden squad agent who had left the CIA's Bin Laden Unit in August 1998. Malcolm told the OIG that he was not given instructions as to his specific duties at the CIA. He said he understood his job there was to be the "eyes and ears" of the New York Field Office and "to monitor" New York Field Office cases. He said his role was to "facilitate inquiries of mutual interest" and to act as a liaison for FBI offices around the country by following up on tracing requests and reporting on their status. He stated that he also spent a significant amount of time coordinating with the CTC in preparation for and during the trials that arose out of the FBI's investigations into the East African Embassy bombings. He told the OIG that he did not review all cables; he reviewed only the cables that he thought were interesting, generally based solely on his review of the cable subject line. He said he reported to an SSA in the New York Field Office, not to anyone at the CIA.

### **III. Factual chronology regarding Hazmi and Mihdhar**

In this section of the report, we discuss in detail the five junctures before September 11, 2001, during which the FBI had an opportunity to obtain or develop information about Mihdhar and Hazmi but did not. We describe in chronological order the sequence of events regarding these five opportunities, including the information that the FBI obtained or could have obtained about Hazmi and Mihdhar.

Many of the witnesses told the OIG they did not have specific recollection of the events and conversations related to the Hazmi and Mihdhar matter. In addition, we found few notes and documents relating to these events and conversations. The following is our best reconstruction of the events based on the participants' recollections and the existing documentary evidence.

We show a timeline of the Hazmi and Mihdhar events described in this chapter on the next two pages of the report.

**A. Identification in January 2000 of Hazmi and Mihdhar as al Qaeda operatives**

This section describes the initial development and dissemination of intelligence information concerning Hazmi and Mihdhar. [REDACTED]

[REDACTED] The intelligence led to a surveillance operation in Malaysia in which it was discovered that Mihdhar had a valid multiple-entry U.S. visa and photographs of Mihdhar meeting with other al Qaeda operatives were taken.

There were several ways the FBI could have acquired this information from the CIA – through a CIR from the CIA to the FBI, informally through conversations between a CIA employee and FBI Headquarters employees, and through the FBI employees detailed to the CIA reviewing the CIA cable traffic. We reviewed whether this information was in fact passed to the FBI by the CIA, and based on the evidence, concluded that while the CIA passed some of the information about Mihdhar to the FBI, it did not contemporaneously pass the information about Mihdhar's U.S. visa to the FBI. We concluded it was not disclosed by the CIA until late August 2001, shortly before the September 11 terrorist attacks. We also reviewed whether FBI detailees to the CIA contemporaneously acquired this information and what action, if any, they took with respect to this information.

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1/1/2000

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Late 1999

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# Hazmi and Mithalhar Timeline - Part II

5/1/2000

U.S. Customs and Border Protection  
San Diego, California  
U.S. Customs and Border Protection  
San Diego, California

5/1/2000

U.S. Customs and Border Protection  
San Diego, California

7/1/2000

U.S. Customs and Border Protection  
San Diego, California  
U.S. Customs and Border Protection  
San Diego, California

7/1/2000

U.S. Customs and Border Protection  
San Diego, California  
U.S. Customs and Border Protection  
San Diego, California

5/1/2001

U.S. Customs and Border Protection  
San Diego, California  
U.S. Customs and Border Protection  
San Diego, California  
U.S. Customs and Border Protection  
San Diego, California

5/22/2001

U.S. Customs and Border Protection  
San Diego, California  
U.S. Customs and Border Protection  
San Diego, California

7/1/2000

7/1/2000

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U.S. Customs and Border Protection  
San Diego, California  
U.S. Customs and Border Protection  
San Diego, California  
U.S. Customs and Border Protection  
San Diego, California  
U.S. Customs and Border Protection  
San Diego, California

In addition, the CIA learned in March 2000 that Hazmi had boarded a United Airlines flight in Bangkok, Thailand, bound for Los Angeles, California, on January 15, 2000.<sup>163</sup> We also reviewed whether the FBI was informed of this information, and concluded that it did not learn about this information until August 2001.

## **1. Background**

In late 1999, the Intelligence Community developed significant intelligence information regarding Hazmi and Mihdhar. At this time, the Intelligence Community was on high alert because of concerns involving possible terrorist activity planned in conjunction with the coming of the new Millennium. In addition to concerns about attacks at New Year's Eve celebrations, the Intelligence Community was concerned that a terrorist attack was planned for January 3, 2000, which in the Islamic calendar is considered a "night of destiny."<sup>164</sup> There were additional concerns about potential terrorist attacks coinciding with the end of Ramadan, around January 6, 2000.<sup>165</sup>

Several of these planned attacks were uncovered in December 1999. For example, on December 1, 1999, in Jordan, a plot to disrupt New Year activities with explosives designed to kill thousands of revelers, including U.S. citizens, was uncovered and thwarted with the arrest of 16 people. On December 14, 1999, Ahmad Ressam was stopped at the United States/Canadian border in Washington state as he attempted to enter the United States in a vehicle loaded with explosives. It was determined later that he had intended to detonate the explosives at the Los Angeles airport.

To be prepared for possible terrorist activity at the end of 1999, the FBI activated its Strategic Information Operations Center (SIOC). The SIOC is

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<sup>163</sup> Mihdhar was also on the same flight, but that fact apparently was not known within the Intelligence Community until much later, in August 2001.

<sup>164</sup> During the course of the Cole bombing investigation, it was learned that an attack also had been planned against the *U.S.S. The Sullivans* in Aden, Yemen, on the same date. That attack failed because the attack boat sank before reaching its target.

<sup>165</sup> Ramadan is the ninth month of the Islamic calendar. Ramadan begins when authorities in Saudi Arabia sight the new moon of the ninth month.




located in a secure area within FBI Headquarters and contains several meeting rooms, conferencing equipment, communications equipment, computers, and other operational equipment. It allows the FBI to manage major investigations or other significant operations 24 hours a day, 7 days a week.

During the Millennium period, the FBI operated its International Terrorism Operations Section from within the SIOC. In addition, the FBI detailed field supervisors with counterterrorism experience and other counterterrorism personnel to the SIOC for around-the-clock monitoring and response to possible terrorist activities.

At the CIA, additional personnel were called in to work at the CTC and planned leave was canceled. In addition, personnel from the CIA and other Intelligence Community agencies were detailed to work in the FBI's SIOC.

During this period, personnel in the FBI's SIOC prepared two daily briefings for the FBI Director and his executive staff, one at 7:30 a.m. and the other at 4:30 p.m. The daily briefings contained summaries of significant terrorism investigations and the latest intelligence related to counterterrorism. Accompanying the briefings were daily threat updates prepared each afternoon for the Director and his executive staff. The briefings and the threat updates were prepared by various people throughout the course of the day and night in the SIOC.

## **2. NSA provides intelligence regarding planned travel by al Qaeda operatives to Malaysia**

 The communications indicated that several members of an "operational cadre" were planning to travel to Kuala Lumpur, Malaysia, in early January 2000. Analysis of the communications revealed that persons named Nawaf, Khalid and Salem were involved. In early 2000, the NSA analyzed what appeared to be related communications concerning a "Khalid."<sup>166</sup>

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<sup>166</sup> The NSA had additional information in its database further identifying "Nawaf" as Nawaf al-Hazmi, a friend of Khalid. However, the NSA informed the OIG that it was not (continued)

The NSA's reporting about these communications was sent, among other places, to FBI Headquarters, the FBI's Washington and New York Field Offices, and the CIA's CTC. At the FBI, this information appeared in the daily threat update to the Director on January 4, 2000.

### **3. Mihdhar's travel and discovery of his U.S. visa**

A CIA desk officer working in the Bin Laden Unit who we call "Michelle" determined that there were links between these people and Al Qaeda as well as the 1998 East African embassy bombings. In addition, the CIA identified "Khalid" as Khalid al-Mihdhar.

Mihdhar arrived [REDACTED], on January 5, 2000. Mihdhar was traveling on a Saudi passport. This passport contained a valid U.S. visa. Mihdhar's passport was photocopied and sent to CIA Headquarters.

Several CIA cables contemporaneously discussed Mihdhar's travel and the discovery of his U.S. visa in his Saudi passport. CIA records show that a CIA employee, who we call "James"<sup>167</sup> and who was detailed to FBI Headquarters during the Millennium period, accessed one of these cables approximately two hours after it was disseminated in the morning, and he accessed another of the cables about eight hours after it was disseminated on the next morning. James discussed some information about Mihdhar with two FBI Headquarters employees on the evening of January 5, which we detail in Section 7 below.

### **4. CIR is drafted to pass Mihdhar's visa information to the FBI**

Dwight, the special agent detailed to the CIA's Bin Laden Unit from the FBI's Washington Field Office, also read the cables discussing Mihdhar's U.S. visa within hours of each cable being disseminated. CIA records also show

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(continued)

asked to conduct research on these individuals at that time, and it did not uncover that information on Hazmi. It was thought at the time that Salem might be Hazmi's younger brother, and this was later confirmed.

<sup>167</sup> The CIA has asked the OIG not to identify the true names of CIA employees for operational reasons.

that Dwight's immediate supervisor in the Bin Laden Unit opened one of the cables soon after Dwight.

Dwight opened one of the cables, which reported that Mihdhar's visa application had been verified and that he had listed New York as his intended destination.

Around 9:30 a.m. on the same morning, Dwight began drafting in the CIA's computer system a CIR addressed to the UBL Unit Chief at FBI Headquarters and an SSA in the UBL Unit at FBI Headquarters who we call "Bob." Dwight's CIR also was addressed to the FBI's New York Field Office. The CIR first described the NSA information that had been received about Mihdhar, including the planned travel to Kuala Lumpur, Malaysia in early January. The CIR also discussed the potential links between the suspected terrorist facility in the Middle East and the 1998 East Africa embassy bombings. The CIR stated that photographs of Mihdhar had been obtained and would be sent to the FBI under separate cover. The CIR detailed Mihdhar's passport and visa information, including that Mihdhar had listed on his visa application his intended destination as New York and that he planned to stay three months. Dwight also wrote that the CTC was requesting "feedback" on "any intelligence uncovered in FBI's investigation" resulting from the information in the CIR.

Michelle, the Bin Laden Unit desk officer who originally had taken notice of the information about Mihdhar and his connections to Al Qaeda, accessed Dwight's draft CIR less than an hour after Dwight drafted it at approximately 9:30 a.m. Around 4:00 p.m. on the same day, Michelle added a note to the CIR in the CIA's computer system: "pls hold off on CIR for now per [the CIA Deputy Chief of Bin Laden Unit]."

CIA records show that the same morning, the CIA Deputy Chief of Bin Laden Unit, who we will call "John," also had read the cable indicating that Mihdhar's visa was valid and that New York had been listed as his intended destination. Around 6:30 p.m. on the same day, John again accessed this cable and then another cable, the same two CIA cables about Hazmi and Mihdhar in

the CIA's computer system that Dwight had used in drafting the CIR. CIA records do not indicate that John accessed Dwight's draft CIR.<sup>168</sup>

CIA records show that the CIA employee detailed to FBI Headquarters who we call James and who discussed the Mihdhar information with two FBI Headquarters employees, also accessed the draft CIR on the day it was drafted. In addition, two other FBI detailees accessed the draft CIR: Eric, the other Deputy Chief of the Bin Laden Unit, accessed it two hours after Dwight began writing it, and Malcolm, the New York Field Office's detailee to the Bin Laden Unit, accessed it two days later.

CIA records show that as of eight days later the CIR had not been disseminated to the FBI. In an e-mail to John in mid-January, Dwight had attached the draft CIR and wrote, "Is this a no go or should I remake it in some way." The CIA was unable to locate any response to this e-mail.

By mid-February, the CIR had not been sent to the FBI and was still in draft form in the CIA's computer system. CIA records show that Dwight e-mailed a CIA contractor who handled computer matters and asked him to delete several draft cables in the computer system unrelated to this matter, but to save the draft CIR concerning Mihdhar. The contractor accessed the draft cable in the system the next day.

When we interviewed all of the individuals involved with the CIR, they asserted that they recalled nothing about it. Dwight told the OIG that he did not recall being aware of the information about Mihdhar, did not recall drafting the CIR, did not recall whether he drafted the CIR on his own initiative or at the direction of his supervisor, and did not recall any discussions about the reasons for delaying completion and dissemination of the CIR. Malcolm said he did not recall reviewing any of the cable traffic or any information regarding Hazmi and Mihdhar. Eric told the OIG that he did not recall the CIR.

The CIA employees also stated that they did not recall the CIR. Although James, the CIA employee detailed to FBI Headquarters, declined to

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<sup>168</sup> According to John, once CIRs were drafted the CIA's standard operating procedure was for the drafter to "coordinate" the CIR in the computer system, which notified the persons designated by the drafter that there was a CIR that required their attention. He said that it was not standard operating procedure to access CIRs in draft form.

be interviewed by us, he told the CIA OIG that he did not recall the CIR. John (the Deputy Chief of the Bin Laden Unit) and Michelle, the desk officer who was following this issue, also stated that they did not recall the CIR, any discussions about putting it on hold, or why it was not sent.

## **5. Mihdhar in Dubai**

On the same day that Dwight was drafting the CIR, the CIA reported in an internal cable additional information about Mihdhar. The cable stated that it appeared that, despite his multiple entry visa, Mihdhar had not yet traveled to the United States. The cable then stated that it was up to the CTC as to whether anyone should inquire with the INS to verify whether Mihdhar had traveled to the United States.<sup>169</sup>

The cable also reported additional information about Mihdhar while he was in Dubai.

CIA records reveal that this cable also was read by FBI detailee Dwight. However, Dwight did not include in the draft CIR the additional information about the lack of any indication that Mihdhar had traveled to United States or the additional information about Mihdhar in Dubai.<sup>170</sup>

## **6. CIA cable stating that Mihdhar's visa and passport information had been passed to FBI**

Also on the same day that Dwight was preparing the CIR, Michelle, the Bin Laden Unit desk officer who was following the issue of Mihdhar, prepared a lengthy cable to several stations summarizing the information that had been collected at that point on Mihdhar and three other individuals who also were possibly traveling to Malaysia. The cable began, "After following the various reports, some much more credible than others, regarding a possible [Bin

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<sup>169</sup> We did not determine whether the CIA actually contacted the INS pursuant to this suggestion. As we discuss below, we did determine INS records reflect that Mihdhar first entered the United States on January 15, 2000, and only entered again on July 4, 2001.

<sup>170</sup> This cable also was read by James, the CIA employee detailed to the FBI's SIOC. As detailed below, he later discussed some of its contents with an FBI Headquarters employee.

Laden]-associated threat against U.S. interests in East Asia [REDACTED]  
[REDACTED]

This cable then summarized the CIA's information that indicated several individuals were planning to travel to Malaysia. In the paragraph describing Mihdhar, Michelle stated that Mihdhar's travel documents, including a multiple entry U.S. visa, had been copied and passed "to the FBI for further investigation."

This cable –the fifth CIA cable to discuss Mihdhar's U.S. visa – did not state by whom or to whom Mihdhar's travel documents were passed. It also did not indicate how they had been passed, or provide any other reference to the passage of the documents. Because this cable was an internal, operational cable, it was not forwarded to or copied to the FBI.

This cable was disseminated to various CIA stations approximately three hours after Michelle had noted in the cable system that Dwight was directed to hold off on sending his draft CIR to the FBI "for now per [the CIA Deputy Chief of the Bin Laden Unit]."

When we interviewed Michelle, she stated that she had no recollection of who told her that Mihdhar's travel documents had been passed to the FBI or how they had been passed. She said she would not have been the person responsible for passing the documents. According to Michelle, the language in the cable stating "[the documents] had been passed" suggested to her that someone else told her that they had already been passed, but she did not know who it was. The CIA Deputy Chief of the Bin Laden Unit also said he had no recollection of this cable, and he did not know whether the information had been passed to the FBI.

Neither we nor the CIA OIG was able to locate any other witness who said they remembered anything about Mihdhar's travel documents being passed to the FBI, or any other documents that corroborated the statement that the documents were in fact passed to the FBI.

## **7. The Malaysia meetings and surveillance of Mihdhar**

After he arrived in Malaysia, Mihdhar was followed and photographed in various locations meeting with several different people. These events are

referred to as “the Malaysia meetings.” CIA employees wrote several cables contemporaneously about the Malaysia meetings, which we discuss below.

**a. First cable regarding Mihdhar in Malaysia**

The CIA prepared an internal cable stating that Mihdhar had arrived in Kuala Lumpur on the evening of January 5. The cable also described his activities with other Arabs who were unidentified at the time. This cable, which we refer to as the “first Malaysia meetings cable,” did not contain any information regarding passports or visas.

**b. January 5 FBI threat update**

It appears that this first Malaysia meetings cable was provided to the FBI. Sometime before the daily FBI executive briefing that took place on January 6 at 7:30 a.m., the January 5 threat update information concerning Mihdhar was edited in the FBI’s SIOC.

This January 5 threat update reflected an almost verbatim recitation of portions of the CIA’s first Malaysia meetings cable, including the same spelling mistake in reference to a particular place in Malaysia, which indicates that the CIA provided a copy of the first Malaysia meetings cable to the FBI. However, we were not able to determine who in the FBI received this information from the CIA or who edited the January 5 threat update. No one we interviewed at the FBI said they recalled handling information related to Mihdhar or the January 5 threat update. The threat update contained no reference to Mihdhar’s passport information or his U.S. multiple-entry visitor’s visa.

The January 5 threat update also was made part of the January 6 7:30 a.m. executive briefing document. This briefing did not contain any additional information about Mihdhar. The January 5 threat update was the only official document from this period located by the FBI that referenced the Malaysia meetings that were discussed in the first CIA Malaysia meetings cable.

**c. Discussion between CIA and FBI employees about Malaysia meetings**

As noted above, computer records show that James, the CTC employee detailed to the FBI's SIOC, read the cables and the draft CIR indicating that Mihdhar had a U.S. visa. Contemporaneous e-mails show that James discussed the Malaysia meetings with two FBI Headquarters employees in the SIOC in the early morning hours of January 6. Below we detail the cables and the evidence about the discussions that took place between the CIA and FBI personnel in the SIOC about the Malaysia meetings.

Contemporaneous e-mail messages among CIA employees show that during the night of January 5 James briefed the FBI SSA who we call Bob about Mihdhar's travel. At the time, Bob was an SSA in the UBL Unit in FBI Headquarters, which was operating out of the SIOC during this period.

James wrote an e-mail to several CIA employees in which he stated that he was detailing "exactly what [he] briefed [the FBI] on" in the event the FBI later complained that they were not provided with all of the information about Mihdhar.<sup>171</sup> This e-mail did not discuss Mihdhar's passport or U.S. visa.

As previously mentioned, James told the CIA OIG that he had no recollection of these events. He declined to be interviewed by us.

Bob told the OIG that he had no independent recollection of any briefing from a CIA employee regarding the Malaysia meetings. However, he was able to locate a scant contemporaneous note that confirmed he had been briefed regarding Mihdhar and his trip to Malaysia. This note contained no details as to the content of the briefing and no reference to Mihdhar's U.S. visa.

Bob told the OIG that he does not believe that he had been told in this conversation about Mihdhar's U.S. visa. Bob stated to us that the presence of a

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<sup>171</sup> James wrote these e-mails in response to an e-mail from another CIA employee who was detailed to the FBI SIOC. That employee reported on the morning of January 6 that he had been asked by an FBI employee for the latest on Mihdhar. James responded in a series of e-mails that he had already briefed the FBI. The final e-mail by James sets forth the details of his briefings.



U.S. visa in Mihdhar's passport would have been extremely important and would have triggered a more significant response than his minimal notes.

Bob also told the OIG that he did not know why James chose to brief him about Mihdhar. Bob said that he was not a designated point of contact for the CIA while the SIOC was activated, although he also said that he did not know whether there was a designated point of contact in the SIOC. Bob said that he knew James because James had previously been detailed from the CTC to FBI Headquarters and had worked in ITOS with Bob.

**d. Second cable regarding Mihdhar and the Malaysia meetings**

The day after the CIA employee discussed the Malaysia meetings with the two FBI SIOC employees, the CIA sent another internal cable providing new information about the activities of Mihdhar. This cable, "the second Malaysia meetings cable," provided information about Mihdhar's activities once he left the Kuala Lumpur airport and his meetings with various individuals.

**e. Discussion between CTC officer and FBI employee about Malaysia meetings**

Shortly after 7:30 a.m. on January 6, James briefed another FBI SSA – who we call "Ted" – who was detailed to the SIOC from an FBI field office, about information contained in the second Malaysia meetings cable. Ted told the OIG he was working in the SIOC as an "assistant" to the day shift commander and the UBL Unit Chief, but that he had no specific duties. Because Bob had left FBI Headquarters on a trip to New York by this time, James briefed Ted to ensure that someone at FBI Headquarters had the latest information on Mihdhar.

In the same e-mail in which he had detailed what he told Bob, James provided specifics of what he told Ted. The e-mail also stated that the CIA would "continue to run this down and keep the FBI in the loop." The e-mail did not contain any reference to Mihdhar's passport or U.S. visa.

Based on this briefing by James, Ted prepared an update for the January 6 afternoon FBI executive briefing. Ted e-mailed the update to the ITOS Assistant Section Chief at 8:40 a.m. This update reflected the details of the

information Ted had received from James. It did not contain any reference to Mihdhar's passport or U.S. visa.

Like Bob, Ted told the OIG that he had no recollection of being briefed regarding the Malaysia meetings. Although he said he did not recall these events, Ted asserted he did not believe that he had received Mihdhar's passport or U.S. visa information because if he had he would have unquestionably recognized their significance and documented such information in the update for the executive briefing.

Ted told the OIG that he did not know why James briefed him about the Mihdhar information. Like Bob, Ted stated he was not a designated point of contact for the CIA while the SIOC was activated. Ted also knew James because of James' previous detail to ITOS in FBI Headquarters when Ted served as an SSA in the RFU.

**f. Cables updating the Malaysia meetings information, including Mihdhar's travel to Bangkok**

On January 8, the CIA reported in another internal cable that a new individual had joined Mihdhar and the others, and that additional surveillance photographs were taken. The cable did not state how many photographs were taken or what would be done with the photos.

In another cable sent five hours later, the CIA reported in an internal cable that Mihdhar and two of the unidentified men – one of whom turned out to be Hazmi – departed Malaysia from Kuala Lumpur airport en route to Bangkok, Thailand.

**g. Cables regarding Hazmi's travel to the United States**

On January 9, the CIA's Bin Laden Unit prepared a cable asking that Mihdhar and his associates be identified while in Thailand. CIA records show that on January 13, the CIA was attempting to locate Mihdhar and his traveling companions. In addition, Mihdhar had been watchlisted at the airport in the event that he attempted to leave Thailand.

Several weeks later, CIA officers in Kuala Lumpur followed up with their Bangkok counterparts for additional information about Mihdhar and his traveling companions. Approximately two weeks later, Bangkok reported that

there was a delay in responding due to difficulties in obtaining the requested information.

In early March 2000, officials in Bangkok reported internally that it had identified one of Mihdhar's traveling companions as Nawaf al-Hazmi. The cable reported that Hazmi had traveled to Bangkok on January 8 and had subsequently traveled on a United Airlines flight to Los Angeles, California on January 15. The cable also stated that Mihdhar had arrived in Bangkok on January 8 but that it was unknown if and when he had departed.<sup>172</sup> In addition, the cable identified the third traveler as Salah Saeed Mohammed Bin Yousaf.<sup>173</sup>

CIA records show that none of the FBI detailees accessed this early March cable. The OIG found no documents or witnesses indicating that the information that Hazmi had traveled to Los Angeles on January 15, 2000, was shared with the FBI at this time. Rather, as we discuss below, this fact was not shared with the FBI until August 2001.

We found no indication that CTC personnel took any action with regard to the important information that Hazmi had traveled to the United States. For example, he was not placed on any U.S. watchlists. The day after Bangkok reported about Hazmi's travel to Los Angeles, one office that received the Bangkok cable sent a cable to the CTC stating the Bangkok cable regarding Hazmi's travel had been read "with interest." Yet, despite this effort to flag the significance of this information, the cable was not shared with the FBI and did not result in any specific action by the CIA.

As we discuss below, it was not until August 2001 that FBI Headquarters personnel learned that on January 15, 2000, both Mihdhar and Hazmi had left Thailand and traveled to Los Angeles, California, where they were both

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<sup>172</sup> In fact, Mihdhar had traveled to the U.S. with Hazmi on January 15, 2000. This fact was not discovered by anyone in the Intelligence Community until August 2001.

<sup>173</sup> Yousaf left Bangkok on January 20 for Karachi, Pakistan. Some time after September 11, Yousaf was determined to be Tawfiq Muhammad Salih Bin Rashid al Atash, a/k/a Khallad, the purported mastermind of the Cole attack. We discuss the FBI's discovery of information about Khallad and the Cole attack, and the FBI's opportunities to connect Khallad to the Malaysia meetings, in Section III, C below.

admitted into the United States on non-immigrant visas and authorized to remain until July 14, 2000.

## **8.   OIG findings regarding FBI's knowledge about Mihdhar and the Malaysia meetings**

We discuss here our findings regarding the FBI's knowledge of information about Mihdhar and the January 2000 Malaysia meetings, including whether the intelligence information concerning Mihdhar's valid multiple entry U.S. visa and Hazmi's travel to the United States in January 2000 was passed to the FBI. Several witnesses told the OIG that Mihdhar's possession of a U.S. visa provided a clear domestic nexus that should have triggered the passing of this information from the CIA to the FBI.

At the outset, we note that the CIA has acknowledged that it obtained information that Mihdhar had a U.S. visa and that Hazmi had traveled to the United States, and that the CIA should have placed their names on U.S. watchlists, but that this did not occur.<sup>174</sup> The CIA OIG is reviewing this matter to determine why this failure occurred and who is responsible for it.

### **a.   Formal passage of information from the CIA to the FBI**

As noted above, the formal method of communicating intelligence information between the CIA and the FBI was an intelligence report called a CIR. CIA records show that between July 1999 and September 10, 2001, the Bin Laden Unit disseminated over 1,000 CIRs, most of which were sent to the FBI. CTC employees as well as FBI detailees to Bin Laden Unit had authority to draft CIRs, and the detailees collectively drafted over 150 CIRs to the FBI during this period. However, CIRs could only be disseminated by persons with authority to "release" the CIRs.<sup>175</sup> In the Bin Laden Unit, only supervisors,

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<sup>174</sup> Mihdhar and Hazmi were placed on watchlists by other countries, including Thailand.

<sup>175</sup> Once a supervisor approved a CIR for release, it was electronically disseminated by a unit in the CIA known as the Policy Community Action Staff.

including John and Eric as the deputy chiefs of the station, had authority to release CIRs.<sup>176</sup>

Dwight drafted a CIR in which he summarized the information that had been disseminated by the NSA about Mihdhar. He also provided detailed information about Mihdhar's passport, visa, and visa application indicating that New York had been his intended destination. According to CIA records, this CIR never was disseminated to the FBI. A desk officer's note on the draft CIR indicated that the Deputy Chief of the Bin Laden Unit, John, had instructed the draft CIR be put on hold, and Dwight contacted him through an e-mail about the disposition of the CIR a week later. Despite this e-mail, the evidence clearly shows that the CIR never was disseminated to the FBI.

The evidence shows, however, that Dwight acted in accordance with the system that was in place at the time by drafting the CIR to formally pass the visa information to the FBI. In accordance with Bin Laden Unit policy, Dwight was not permitted to pass the CIR to the FBI without permission.

All of the witnesses stated, however, that they did not recall the CIR or any communications about it. Other than the note written by the desk officer, we found no documentary evidence about why the CIR was not disseminated. Thus, we were unable to determine why it was not sent.

The information in the CIR, which was documented in the appropriate format for passage to the FBI, was potentially significant to the FBI and should have been passed to the FBI. We believe it was a significant failure for the CIR not to be sent to the FBI.

#### **b. Informal passage of information from CIA to FBI**

We also considered what information that James, a CIA detailee to the FBI, informally passed to FBI Headquarters and whether he informed anyone of the visa information about Mihdhar. Based on the contemporaneous e-mails in which James documented in detail what he told FBI SSAs Bob and Ted, we concluded that he reported to the FBI the information regarding Mihdhar's

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<sup>176</sup> CIA records show that Eric released five CIRs during his tenure at the Bin Laden Unit.

transit through Dubai, his arrival in Kuala Lumpur, his activities after his arrival, and his meeting with other suspected al Qaeda operatives. It is far less clear, however, whether he provided Mihdhar's passport and U.S. visa information to the FBI.

We do not believe that James briefed either Bob or Ted on Mihdhar's passport or U.S. visa information. First, nothing in Bob's contemporaneous notes or Ted's e-mail or briefing update referred to Mihdhar's passport or visa information. [REDACTED]

Moreover, James wrote a detailed e-mail to document the contents of his conversations with Bob and Ted. Since the stated purpose of James' e-mail was to prevent the FBI from later claiming he had failed to brief them on some important details, he had every incentive to include all relevant details in that e-mail. At the time he wrote this e-mail, he had read three of the CIA cables indicating that Mihdhar had a U.S. visa, as well as the draft CIR. Yet, James' e-mail contained no mention of Mihdhar's passport or visa.

We found only one piece of evidence suggesting that the FBI was made aware in January 2000 of Mihdhar's U.S. visa – the early January cable by the desk officer who we call Michelle which stated that Mihdhar's travel documents, including a multiple entry U.S. visa, had been copied and passed "to the FBI for further investigation." We could not, however, find any evidence to corroborate that this information actually had been passed to the FBI.

This cable did not state by whom or to whom the documents were passed or make any other reference to the passage of the documents. The cable was an internal cable, which means it would not have been forwarded to or accessible to the FBI. In addition, Michelle, the CIA desk officer who wrote the cable, had no recollection of who told her that the documents had been passed or how they had been passed. She said that she would not have been responsible for passing the information but instead would have been told by someone else that the documents had been passed.

We were unable to locate any witness who said they remembered anything about the documents being passed to the FBI, as Michelle's cable

asserted. Even if her cable was accurate, and she had been told by someone that the documents had been passed to the FBI, there is no evidence that such information was correct. The CIA and FBI witnesses we interviewed described this period as very hectic and said they were flooded with information. Several witnesses suggested that these hectic circumstances could have created an environment where unintentional misunderstandings might have occurred about whether information was actually passed to other Intelligence Community agencies.

We also searched ACS for any FBI record of the travel documents having been provided to the FBI, since this cable indicated that a physical copy of the documents, not merely information about the documents, was passed. We found no reference to the documents.

Aside from this cable, we found no other evidence that the information or documents about Mihdhar's passport or visa information was in fact provided to the FBI during this time period.

**c. FBI detailees' handling of information on Mihdhar**

As discussed above, five FBI employees were detailed to the CTC to work on Bin Laden matters during 2000 and 2001, and all had access at their desks to CIA internal cable traffic. Four of those employees – the supervisor who we call Eric, the IOS who we call Mary, and the agents who we call Dwight and Malcolm – were at the Bin Laden Unit in January 2000 when the Malaysia meetings occurred.<sup>177</sup> We considered how each handled the intelligence information concerning Mihdhar during this period.

After reading two of the cables indicating that Mihdhar had a U.S. visa, Dwight prepared a draft CIR to officially notify the FBI about that information, since the U.S. visa presented a nexus between Mihdhar and the United States. But the CIR was not provided to the FBI. However, we also examined whether any of the detailees took any other action to notify FBI Headquarters or, in Malcolm's case, the New York Field Office, about the information concerning Mihdhar.

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<sup>177</sup> The fifth detailee – the manager who we call Craig – did not arrive at the CTC until July 2000.

The evidence shows that each FBI detailee reviewed some of the cables about Mihdhar's U.S. visa. Dwight accessed several of the cables that indicated Mihdhar had a U.S. visa, such as the cables stating that Mihdhar had transited through Dubai and had a U.S. visa, the cable stating that Mihdhar's visa application listed New York as his intended destination in May 1999, and the cable stating that based on a review of Mihdhar's visa, it did not appear that he had actually traveled to the United States.

Malcolm also accessed the cable stating that Mihdhar's visa application listed New York as his intended destination in May 1999, and the cable stating that it did not appear that Mihdhar had actually traveled to the United States. Malcolm also accessed the two cables stating that Mihdhar had arrived in Kuala Lumpur and that surveillance photos showed him meeting with others in Malaysia. Malcolm also accessed Dwight's draft CIR indicating passage of the visa information to the FBI, including the New York Field Office.

Mary accessed the January cable stating that Mihdhar's travel documents, including a multiple-entry U.S. visa, had been passed to the FBI, but she did not access the previous cables reflecting the visa information or Dwight's CIR. She also accessed the two cables stating that Mihdhar had arrived in Kuala Lumpur and that surveillance photos showed him meeting with others in Malaysia.

Eric did not access these cables, but he accessed Dwight's draft CIR which detailed Mihdhar's visa information and which summarized the NSA information.

However, Dwight, Malcolm, Mary, and Eric all told the OIG that they did not recall anyone from the CIA bringing to their attention the fact that Mihdhar had a U.S. visa. In addition, despite the records of their access to the cable traffic or the CIR, they all told the OIG that they did not recall discovering at the time – such as by reading a cable – that Mihdhar had a U.S. visa.<sup>178</sup> As discussed above, Dwight told the OIG that he did not even recall

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<sup>178</sup> The detailees also told the OIG that they did not necessarily read all of the cables they accessed. They explained that they often skimmed cables to determine if any action was required on their part or to find specific information in connection with a particular assignment or issue.



writing the CIR or even being aware of the Malaysia meetings or of the fact that Mihdhar had a U.S. visa. Eric told the OIG that his CIA counterpart – John, the CIA Bin Laden Unit Deputy Chief – mentioned the Malaysia meetings and that surveillance photos had been taken, but Eric did not recall ever hearing anything about Mihdhar having a U.S. visa. Mary told the OIG that she did not recall even being contemporaneously aware of the Malaysia meetings.<sup>179</sup> Mary explained that she did not have reason to be made aware of the Malaysia meetings at the time because the matter had been assigned to another CIA desk officer – Michelle (the one who wrote the cable indicating that Mihdhar's travel documents had been passed to the FBI).

Malcolm said he was not aware of the fact that Mihdhar had a U.S. visa until after September 11. He stated that he recalled being shown the Kuala Lumpur photos, but he could not remember whether that was before or after September 11. He said that it was not until he was shown the Kuala Lumpur photos that he became aware of the Malaysia meetings.

Yet, the evidence shows that all had accessed contemporaneously cables indicating that Mihdhar had a U.S. visa, which was important intelligence information that was never provided to FBI Headquarters. They did not violate any specific policy or procedure in their handling of the information, and they did not have the authority to unilaterally pass CTC information to the FBI without permission. This restriction included any informal passage of the information, such as by telephone call or in-person discussions. However, none of them, particularly Dwight, ensured that the information was provided to the FBI. Dwight drafted a CIR that would have provided the FBI with the important information about Mihdhar, but the CIR was not released by the CIA. Although Dwight followed up a few days later to ask whether the cable was going to be sent or whether he should remake it in some other way, there is no record of a response to his request, and no one could explain why the cable was not sent. We believe it was critical that the information be sent. We found no indication that this ever happened.

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<sup>179</sup> When we showed Mary copies of an e-mail written by the CTC officer who had briefed SSA Bob and Ted, which indicated that she was copied on the e-mail, she said that she did not recall having read the e-mail.

This failure to send the information to the FBI, in our view, was also attributable to problems in how the detailees were instructed and supervised, and that these problems significantly impeded the flow of information between the CIA and the FBI. We discuss these systemic problems in detail in our analysis section later in this chapter.

#### **d. OIG conclusion**

In sum, the evidence shows that in January and March 2000, the CIA uncovered important intelligence information about Mihdhar and Hazmi:

[REDACTED]

- They traveled to Bangkok with a third person;
- Mihdhar had a valid, multiple-entry U.S. visa; and
- Hazmi had traveled to Los Angeles in January 2000.

Yet, we found that the CIA did not share significant pieces of this information with the FBI – that Mihdhar had a U.S. visa and that Hazmi had traveled to Los Angeles. An FBI detailee at the CIA drafted a CIR to share this information with the FBI, but that information was not released by the CIA to the FBI. We were unable to determine why this did not occur. No one we interviewed said they remembered the CIR or why it was not sent to the FBI. We consider it a significant failure for this CIR not to be sent to the FBI.

In addition, the evidence shows that the limited information that was provided to FBI Headquarters – that Mihdhar traveled [REDACTED] [REDACTED] was never documented by the FBI in any system that was retrievable or searchable, thus limiting the usefulness of the information that was shared. The FBI's only official record of having received this information was in the hard copies of the January 5 threat update, which was attached to the January 6 executive briefing, and Ted's e-mail summarizing information from his discussion with the CIA employee. We discuss this and other systemic problems in our analysis section below.

## **B. Hazmi and Mihdhar in San Diego**

### **1. Introduction**

The second set of events that may have led the FBI to discover Mihdhar and Hazmi's presence in the United States related to their stay in San Diego. As noted above, on January 15, 2000, Mihdhar and Hazmi boarded a flight in Bangkok, Thailand, for Los Angeles. They were admitted to the United States on non-immigrant visitor visas and authorized to remain in the U.S. until July 14, 2000. Shortly after arriving in Los Angeles, they traveled to San Diego, California, where they were aided in finding a place to stay by Omar al-Bayoumi. Bayoumi had been the subject of an FBI preliminary intelligence investigation that had been closed.

In late May 2000, Hazmi and Mihdhar rented a room in the residence of an FBI asset.<sup>180</sup> Mihdhar remained in San Diego until June 10, 2000, when he left the United States.<sup>181</sup> Hazmi remained in the San Diego area until approximately December 2000, when he moved to the Phoenix, Arizona area. In Phoenix, Hazmi lived for approximately three months with another September 11 hijacker, Hani Hanjour. In April 2001, Hazmi and Hanjour moved to New Jersey and remained on the East Coast until September 11.

While residing in San Diego in 2000, Mihdhar and Hazmi did not act in an unusual manner that would draw attention, but they did not attempt to hide their identities. Using the same names contained in their travel documents and known to at least some in the Intelligence Community, they rented an apartment, obtained driver's licenses from the state of California Department of Motor Vehicles, opened bank accounts and received bank credit cards, purchased a used vehicle and automotive insurance, took flying lessons at a local flying school, and obtained local phone service that included Hazmi's listing in the local telephone directory.

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<sup>180</sup> This kind of individual is often referred to as an "informant" - the common vernacular for an individual providing information to an investigative agency. Within the FBI's foreign intelligence program, they are known as assets.

<sup>181</sup> Mihdhar departed from Los Angeles on Lufthansa Airlines.

Although Hazmi and Mihdhar were in San Diego for a significant period of time, the FBI did not learn of their presence there until after September 11, 2001. After September 11, much would be learned about Hazmi and Mihdhar's time in San Diego and the Intelligence Community's missed opportunities to find and investigate them before the terrorist attacks in which they participated. In this section, we describe the facts surrounding Hazmi and Mihdhar's residence in San Diego, including their associations with two persons known to the FBI.

## **2. Hazmi and Mihdhar's association with Bayoumi**

Omar al-Bayoumi is a Saudi Arabian national who came to the United States in 1993. In early 2000 he had been living with his wife and four children in San Diego for at least four years. Although he described himself to others in San Diego as a graduate student in business administration, he took classes intermittently and was not enrolled in a program of study. He did not work in the United States and received a monthly stipend of \$4,000 plus "other allowances," ranging from \$465 to \$3,800 each month, from Dallah/Avco, a Saudi contractor to the Presidency of Civil Aviation.<sup>182</sup> Bayoumi was active in the San Diego Muslim community and was involved in the establishment of several mosques in the United States.

In September 1998, the FBI's San Diego Field Office opened a preliminary inquiry on Bayoumi based on allegations raised by the manager in the apartment complex where he was living at the time. The manager alleged that Bayoumi had received a suspicious package from the Middle East, and the maintenance worker for the apartment complex had noted strange wires in Bayoumi's bathroom. In addition, the manager reported frequent gatherings of young Middle Eastern males at Bayoumi's apartment on weekend nights.

The FBI case agent conducted a limited investigation of Bayoumi, but the preliminary inquiry was closed in June 1999 and was not converted to a full

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<sup>182</sup> Bayoumi was employed by the Saudi Presidency of Civil Aviation from 1975 until 1995 and became a contractor for the organization beginning in 1995.

field investigation.<sup>183</sup> As a result, the FBI was no longer investigating Bayoumi at the time that Hazmi and Mihdhar met Bayoumi in February 2000. However, the following paragraphs describe what was later learned about Bayoumi's interactions with Hazmi and Mihdhar.

On February 1, 2000, Bayoumi traveled by car from San Diego to Los Angeles, to resolve a visa issue at the Saudi consulate. Bayoumi invited an associate, Isamu Dyson, to accompany him.<sup>184</sup> Dyson provided the following account to the FBI of the trip with Bayoumi.<sup>185</sup>

Dyson said that at the time of the invitation, Bayoumi mentioned a Los Angeles restaurant serving halal food where they could eat lunch after Bayoumi's meeting at the consulate.<sup>186</sup> After Bayoumi spent approximately one hour at the Saudi consulate, he and Dyson went to the restaurant but discovered it had been converted to a butcher shop. The butcher shop employees recommended another nearby halal restaurant, the "Mediterranean Gourmet." Bayoumi and Dyson walked to that restaurant. While they were eating there, Hazmi and Mihdhar entered the restaurant and the four talked in Arabic. Although Dyson had limited Arabic language skills, he said that Bayoumi kept him apprised of the content of the conversation. Hazmi and Mihdhar told Bayoumi that they were in the United States to study English, but they did not like living in Los Angeles. Bayoumi invited the men to visit San Diego and offered to assist them. Bayoumi provided the men with his phone number. Bayoumi and Dyson left the restaurant, and after stopping at a nearby mosque for sunset prayers, returned to San Diego. Dyson asserted that the encounter with Hazmi and Mihdhar seemed to be a coincidental meeting.

Within several days of the meeting, Hazmi and Mihdhar accepted Bayoumi's invitation and traveled to San Diego. In San Diego, Bayoumi

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<sup>183</sup> In Section IV B 1 of this chapter, we examine the investigative steps taken by the FBI in this preliminary inquiry and assess the appropriateness of the decision to close the inquiry.

<sup>184</sup> Dyson is an American Caucasian who converted to Islam. He has since changed his name to Caysan Bin Don.

<sup>185</sup> Dyson provided the information to the FBI in an interview after September 11.

<sup>186</sup> Halal is an Arabic word meaning "lawful" or "permitted."

arranged for Hazmi and Mihdhar to rent an apartment on Mount Ada road in the same apartment complex where Bayoumi lived. Bayoumi also co-signed their lease. Shortly after Hazmi and Mihdhar moved into the apartment, Bayoumi hosted a party to introduce them to the local Muslim community.

Within a few weeks of moving into the apartment, Hazmi and Mihdhar filed a 30-day notice to vacate the apartment, apparently to move to another apartment. However, they later rescinded the vacate notice and continued to lease the apartment until June 2, 2000.<sup>187</sup>

The apartment manager told the FBI that Bayoumi paid Hazmi and Mihdhar's first month's rent and security deposit because they had not yet established a local bank account and the apartment complex would not accept cash. A review of Bayoumi and Mihdhar's financial records after September 11, 2001, indicate that Bayoumi was reimbursed for this expense on the same day it was paid.<sup>188</sup>

### **3. Hazmi and Mihdhar's communications**

On March 20, 2000, a long distance telephone call was placed from Mihdhar and Hazmi's Mount Ada apartment to a suspected terrorist facility in the Middle East linked to al Qaeda activities. (See section III, A, 2 above.) A record of the call was captured in the toll records. After the September 11 attacks, the call was identified through a record check.

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<sup>187</sup> Bayoumi left the United States for some of the time Hazmi and Mihdhar lived in the apartment. INS records do not indicate when Bayoumi left the country, but the records indicate that he obtained a United States visa in Jeddah on May 10, 2000, and returned to the United States on May 31, 2000. Bayoumi left the United States permanently in July 2001 and was living in England on September 11, 2001.

<sup>188</sup> Bayoumi's bank records show a cash deposit in the exact amount of the rent and security deposit (\$1,558). Mihdhar's financial records also indicate that he opened an account with a deposit of \$9,900 in cash within seven minutes of Bayoumi's cash deposit, which suggests that they were in the bank together.

#### **4. Hazmi and Mihdhar's association with an FBI asset beginning in May 2000**

Sometime in May 2000, Hazmi and Mihdhar moved out of the apartment Bayoumi had found for them on Mount Ada Road and moved as boarders into the home of an asset of the FBI's San Diego Field Office.<sup>189</sup> Hazmi and Mihdhar met the asset at the mosque they attended.<sup>190</sup> Mihdhar stayed at the asset's residence until June 10, 2000, when he left the United States. Hazmi resided in the asset's house until December 10, 2000, when he moved to Arizona.

##### **a. Background on the FBI asset**

In 1994, the asset was recruited by San Diego FBI Special Agent who we call "Stan." The FBI had interviewed the asset in connection with a bombing investigation several years before. Stan remained the asset's handling agent – or "control agent" – until Stan retired in February 2002.<sup>191</sup>

The asset was opened as an asset on May 14, 1994.<sup>192</sup> He worked as an informational source, providing to the FBI information acquired in his normal daily routine. He normally was questioned about specific individuals who were under investigation by the FBI, although he occasionally volunteered information that he thought might be relevant. According to Stan, during some

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<sup>189</sup> The OIG was not able to interview the asset. The Joint Intelligence Committee Inquiry had attempted to interview the asset without success. The Committee then submitted interrogatories that the asset declined to answer, asserting his Fifth Amendment privilege. The asset indicated through his attorney that if subpoenaed by the Committee, he would not testify without a grant of immunity.

<sup>190</sup> There is some dispute about whether Hazmi and Mihdhar actually responded to an advertisement for boarders posted by the asset or whether they were introduced to the asset. The OIG did not have access to the witnesses who could address this issue.

<sup>191</sup> Stan was interviewed twice by the JICI staff, and he testified before the Joint Intelligence Committee. After his retirement from the FBI, Stan declined repeated requests for an OIG interview. The OIG does not have authority to subpoena individuals and cannot compel former Department of Justice employees to submit to an interview.

<sup>192</sup> Initially the asset was not paid. In July 2003, the asset was given a \$100,000 payment and closed as an asset.

periods, he would talk to the asset several times per day, but there were periods in which he did not talk to him for several weeks or months. Stan said that many of their conversations were about family matters, the informational asset's health, and other non-substantive issues.

In 1996, the asset began renting out rooms in his home. Prior to September 11, 2001, he had 14 different boarders in his house, including Hazmi and Mihdhar. When Hazmi and Mihdhar rented rooms from the asset in 2000, two other persons also were renting rooms there.

**b. Information from asset on Hazmi and Mihdhar**

It is not clear what information the asset provided to the FBI about Hazmi and Mihdhar before the September 11 attacks.

After the September 11 attacks, the FBI interviewed the asset and asked about the conduct and activities of Hazmi and Mihdhar while they were living with the asset. In those interviews, the asset described them as quiet tenants who paid their rent. He said they were good Muslims who regularly prayed at the mosque. The asset said that Hazmi and Mihdhar often would go outside when using their cellular telephones. The asset insisted that he noted no indicators of nefarious activity by Hazmi or Mihdhar that should have resulted in his reporting their identities to the FBI.<sup>193</sup>

The asset was asked what information he provided to Stan about Hazmi and Mihdhar before September 11. In these interviews, the asset provided conflicting accounts regarding the information on Hazmi and Mihdhar that he had disclosed to Stan. The agent who interviewed the asset - this agent had taken over as the asset's control agent after Stan's retirement from the FBI - told us that the asset said he told Stan about his boarders in general terms, although he had not fully identified Hazmi and Mihdhar. The control agent said that the asset later said that he had not told Stan about the boarders at all.

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<sup>193</sup> The FBI opened an investigation after September 11 to determine whether the asset was involved in the attack. The asset has consistently maintained after September 11 that he had no suspicions about Hazmi and Mihdhar. The results of a polygraph examination on his potential role were inconclusive. Based on its investigation, however, the San Diego FBI concluded that the informational asset had not been complicit in plotting the attacks.



Although Stan declined to be interviewed by the OIG, after September 11, his FBI supervisors had interviewed him about the asset. Stan also had discussed the asset with co-workers and was interviewed by, and subsequently testified in, a closed session before the Joint Intelligence Committee.<sup>194</sup> Stan reported that the asset had told him contemporaneously that two Saudi national visitors were residing in a room at his residence. Stan said that the asset merely provided the first names of the boarders, Nawaf and Khalid. Stan contended that he had asked the asset for the boarders' last names but never received them and did not follow up. He said that the asset told him that his boarders were in the U.S. on valid visitors' visas, and they planned to visit and to study while they were in the country. In addition, Stan said that the asset told him that he believed that the two boarders were good Muslims because of the amount of time that they spent at the mosque. Stan stated that he did not recall the asset ever telling him that either of the boarders had moved out. According to Stan, the asset did not describe his boarders as suspicious or otherwise worthy of further scrutiny. Stan reported that he never obtained Hazmi and Mihdhar's full identities from the asset and that he did not conduct any investigation of them.

## **5. OIG conclusion**

In sum, the FBI did not obtain information about Mihdhar's and Hazmi's time in San Diego, either as a result of the Bayoumi preliminary inquiry or from the asset. In the analysis section of this chapter, we evaluate Stan's actions with regard to Hazmi and Mihdhar and whether he should have pursued additional information about who was living with one of his assets.

### **C. Mihdhar's association with Khallad, the purported mastermind of the Cole attack**

The third potential opportunity for the FBI to acquire information about Hazmi and Mihdhar occurred in January 2001 [REDACTED]

[REDACTED] However, the FBI has

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<sup>194</sup> The OIG was permitted to review the transcripts of Stan's testimony before the Joint Intelligence Committee's Inquiry.

asserted that it did not learn of the source's identification of the al Qaeda operative at the Malaysia meetings until much later in 2001, just before the September 11 attacks. This section of the report describes the events surrounding this third opportunity for the FBI to focus on Hazmi and Mihdhar.

### 1. Background

In 2000, the CIA and the FBI began debriefing a source who provided significant information on operatives and operations related to Usama Bin Laden. The source gave the CIA and the FBI information about an al Qaeda operative known as "Khallad" and described him as being involved with the East African embassy bombings in August 1998. Shortly after the *U.S.S. Cole* was attacked in October 2000, the CIA and the FBI received a photograph and information that a man named "Khallad" was the purported mastermind behind the attack on the Cole. In December 2000, the CIA and the FBI showed the source the photograph of Khallad, and the source identified the person in the photograph as the same Khallad he had described as involved with the East African bombings. As part of the Cole investigation, the FBI sought to find Khallad.

In January 2001, the source was shown photographs from the Malaysia meetings in an effort to determine whether Khallad was in the photographs.

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As a result, they said, they may have uncovered earlier the CIA's

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<sup>195</sup> Information developed after September 11, 2001, revealed this was a misidentification, and the person identified as Khallad was actually Hazmi. We discuss this misidentification in detail below.

information about Mihdhar and Hazmi and found them in the United States well before the summer of 2001.

[REDACTED]  
[REDACTED] For example, on September 26, 2002, Cofer Black, who served as Director of the CIA's CTC from 1999 until May 2002, testified before the Joint Intelligence Committee:

FBI agents and analysts had full access to information [the CIA] acquired about the Cole attack. For example, we ran a joint operation with the FBI to determine if a Cole suspect was in a [REDACTED] surveillance photo. I want to repeat – it was a joint operation. The FBI had access to that information from the beginning. More specifically, our records establish that the Special Agents from the FBI's New York Field Office who were investigating the USS Cole attack reviewed the information about the [REDACTED] photo in late January 2001.

We therefore examine in detail the evidence relating to whether the FBI was aware of the identification of Khallad in the photographs of the Malaysia meetings.

## **2. Source's identification of Khallad**

### **a. The source**

In mid-2000, Drug Enforcement Administration (DEA) personnel arranged for FBI Legal Attaché (Legat) Office personnel overseas to meet a source who had substantial information on Bin Laden and his operatives and operations. This particular FBI Legat office was staffed by the Legal Attaché (the "Legat") and the Assistant Legal Attaché (the ALAT), who were FBI Special Agents.<sup>196</sup>

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<sup>196</sup> The primary mission of FBI Legat Offices is to establish liaison with foreign law enforcement agencies to support the FBI's investigative activities overseas. While Legat staff may become involved in specific investigations, they have no law enforcement authority in foreign countries. For a description of the role and responsibilities of FBI (continued)

Because of the FBI Legat personnel's inability to converse in any of the source's languages, limits on the FBI's authority to conduct unilateral intelligence activities overseas, and the source's potential value as a source of intelligence information relevant to the CIA, the FBI contacted the CIA for assistance with the source. The source was subsequently handled as a joint FBI/CIA source. Even though the FBI ALAT – who we call “Max” – was unable to directly communicate with the source due to the lack of a common language, he was designated as the FBI control agent for the source.

Because the source had significant information about Bin Laden and his operatives and operations, the FBI New York Field Office – the office that was leading the investigations on the East African embassy bombings, the Cole attack, and other Bin Laden-related investigations – also became involved with the source. This joint handling of the source created concerns within the CIA. The CIA's most significant concern was the FBI's desire to use the source for the criminal investigations involving Bin Laden conducted by the FBI's New York Field Office. The CIA believed that the source should not face possible exposure in criminal proceedings.

CIA Headquarters was asked to work with FBI Headquarters to convert the source to purely an intelligence role, solely under CIA control. According to CIA documents, the CIA and the Legat had discussed the FBI's “wall” whereby separate but concurrent intelligence and criminal investigations were conducted within the FBI, but the CIA expressed concerns about the CIA's ability to continue clandestine handling of the source if the FBI was involved. Although the CIA acknowledged that the source had value to the FBI's criminal case, the CIA argued that the source's potential as an intelligence asset was more important than his potential assistance in the criminal case. Despite the CIA's concerns, the source remained a joint FBI/CIA asset.

#### **b. Debriefings of the source**

Beginning in 2000, the CIA and FBI began to debrief the source on a regular basis. Over the course of several months, the source frequently was

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(continued)

Legats, see the OIG report entitled, “Federal Bureau of Investigation Legal Attaché Program” (March 2004).

shown photographs and asked to identify people in them. Although Max was the source's designated control agent, a CIA officer who spoke one of the source's languages conducted the debriefings. Max was present for some of these debriefings, but not all. Some of the debriefings were unilateral CIA interviews. The time spent with the source was kept short because of issues of travel and security.

According to Max, during the debriefings the CIA officer usually did not immediately translate the source's statements for the benefit of Max. He said that the CIA case officer would only immediately translate something when Max had specific questions for the CIA officer to ask the source. The CIA case officer told the OIG he recalled translating for Max things that the source said, but he did this only when he recognized the significance of the information to Max or an FBI operation.

In an effort not to duplicate the reporting of information received from the source, the CIA and the FBI agreed that the CIA would be responsible for reporting the information from the debriefings. However, in instances where the source was solely being shown FBI photographs or questioned based on an FBI lead, Max would document the source's information, either in an EC or an FBI FD-302 form, and the CIA would not document the same information.

After the debriefings, the CIA officer would write internal cables covering the debriefings and forward them to the CTC and other appropriate offices. These cables were internal CIA communications and were not provided to or shared with Max or other FBI personnel.<sup>197</sup> Instead, Max and FBI Headquarters would be informed of the debriefings when the information was reported by the CIA in a TD. As previously discussed, TDs were prepared by CIA reports officers who reviewed the internal cables and determined what information needed to be disseminated and to which agencies. Based on our review of internal cables reporting the source's debriefings and the TD reporting of the same interviews, it is clear the TDs often contained only a part of the information obtained during the source debriefings. As a result, either

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<sup>197</sup> As discussed above, FBI detailees to the CTC had access to these CIA cables, but the review and dissemination of source information to the FBI was not considered their responsibility.

through direct knowledge or through the TDs, Max had access to only some of the information obtained from the source during the debriefings.

In addition to the debriefings of the source by the CIA case officer, FBI agents from the New York Field Office working Bin Laden-related criminal investigations also interviewed the source with the CIA case officer present. Max occasionally was present for these interviews. After each of these interviews, the New York agents documented the source's information in detail in an FD-302 that was entered into ACS and retrievable by all FBI personnel working on the Bin Laden cases.<sup>198</sup> These FD-302s were routinely shared with CIA personnel in the field and at the CTC.

**c. Source identifies Khallad from Yemeni-provided photograph**

Over a 3-month period in 2000, FBI New York Field Office personnel interviewed the source overseas four times. During one of these interviews, the source described an individual known as "Khallad" as a trusted senior Bin Laden operative with potential connections to the East African embassy bombings.

As noted above, on October 12, 2000, two terrorists in a boat laden with explosives committed a suicide attack on the *U.S.S. Cole*, a U.S. naval destroyer, during its brief refueling stop in the port in Aden, Yemen. The FBI's investigation into the attack was led by the FBI's New York Field Office.

After the attack on October 12, the Yemenis provided the FBI and the CIA with information on the Bin Laden operative known as "Khallad." According to this information, Khallad had been described as the purported mastermind of the Cole attack. U.S. intelligence agencies had already

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<sup>198</sup> When a witness is interviewed as part of a criminal investigation, the FBI prepares an FD-302 to document what was said in the interview. When information is being obtained as part of an intelligence investigation, the FBI documents the information in an EC. There was often a significant lag time between the interview and the completion of the documentation due to a variety of factors, including the intensity of investigative activity, the agents' extensive travel, and the required review of the documentation by FBI supervisors before dissemination.